

**MINUTES OF THE MEETING OF THE
BOARD OF FUNERAL DIRECTING AND EMBALMING**

June 25, 2015

These minutes were
approved by the Board on
10/14/2015

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by Steven Brunken, Vice-Chair, at 8:33 a.m., in the Nebraska State Office Building, Lower Level Conference Room A, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law. The following members answered roll call:

Members Present

Randal Bangert	Secretary
Steven Brunken	Vice-Chairperson
Arvid Wiest	Member

Member Absent

John Rice	Chairperson
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Others Present

Ed Vierk	Assistant Attorney General
Kris Chiles	Program Manager, Licensure Unit
Nancy Herdman	Health Licensing Coordinator, Licensure Unit

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Wiest moved, seconded by Bangert, to adopt the agenda. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Motion carried.

3. APPROVAL OF MINUTES (4-2-15, 5-26-15 conference call)

MOTION: Bangert moved, seconded by Wiest, to approve the minutes of April 2, 2015, and May 26, 2015. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Abstain: None (0). Motion carried.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Bangert moved, seconded by Wiest, to enter into closed session at 8:35 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Motion carried.

MOTION: Bangert moved, seconded by Wiest, to return to open session at 8:48 a.m. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

Convictions/Reinstatements/Administrative Penalties

Shea Stokley – 12 month apprenticeship

MOTION: Wiest moved, seconded by Bangert, to recommend approval of the application. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Motion carried.

8:50 a.m. - Break
8:54 a.m. - Meeting resumed
Kevin Griess, Department attorney, entered the meeting

6. NEW BUSINESS

a. United States Supreme Court Decision (North Carolina State Bd. Of Dental Examiners v. FTC)

Griess reported that there was a Supreme Court case involving the North Carolina dental board and the Federal Trade Commission (FTC) where the dental board had issued cease and desist orders to unlicensed individuals who were providing teeth whitening services. The Supreme Court determined that when there is an anticompetitive action by a board comprised of members of the profession, they need to prevent situations where they may be furthering their private interests. In Nebraska, boards issue cease and desist orders. Vierk commented that if there were a situation where a board wanted to issue a cease and desist order, they should discuss it with their Assistant Attorney General and their Department legal representative. Griess commented that the decision and its implications were still be discussed by the Department legal staff.

Brunken commented that there are firms on the internet who advertise inexpensive cremations and then find a Nebraska crematory to do the work. He felt the internet company was doing funeral arrangements in Nebraska.

Brunken asked about the personal liability of Board members. Griess responded that it was limited per the statutes.

Brunken commented that with the new regulations regarding refrigeration, there was some debate on how to interpret them and that he had had discussions with Chiles on this. He stated he did not feel the field gained anything in terms of time with the new regulations. He explained the challenge was that you must get a permit before you can do a cremation and if it is a holiday weekend, it can be difficult to obtain a determination in the time allowed. Chiles commented that she would further review his concerns.

b. Updates

- **Nebraska Funeral Directing Association (NEFDA)**

Bangert stated board members administered many jurisprudence examinations at the NEFDA meeting and they were well received. Chiles stated she would run a report for the October meeting on how many licensees still needed to take the examination. Brunken commented that individuals never know what they missed on the examination. Bangert commented that for a group examination, they could schedule more time to allow a review of the questions. Chiles suggested that the examination method could be changed where individuals would be told the questions they missed or the examination could be sent back to them.

- **International Conference of Funeral Service Examination Board, Inc. (ICFSEB)**

There was no information to report.

c. Reports

- **Disciplinary and Non-Disciplinary Action Reports / Licensure and Examination Statistics**

Chiles reported that the probation offers from the last meeting were accepted.

d. Other

There was no other information to report.

7. UNFINISHED BUSINESS

a. Score and Review Licensure Jurisprudence - Closed Session

MOTION: Bangert moved, seconded by Wiest, to enter into closed session at 9:29 a.m. to discuss the jurisprudence continuing education examination. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Motion carried.

b. Revision Discussion – Continuing Education Jurisprudence Examination

c. Other – Open Session

MOTION: Wiest moved, seconded by Bangert, to return to open session at 11:57 a.m. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Motion carried.

8. ADJOURNMENT

MOTION: Bangert moved, seconded by Wiest, to adjourn. A roll call vote was taken. Voting aye: Bangert, Brunken, Wiest (3). Voting nay: None (0). Absent: Rice (1). Motion carried.

There being no further business, the chair declared the meeting adjourned at 11:57 a.m.

Respectfully submitted,

Randal Bangert, Secretary
Board of Funeral Directing and Embalming

Next Meeting: 10-14-15

Summarized by: Nancy Herdman, Health Licensing Coordinator